USDA-Forest Service FS-2200-10 (12/99)

TERM GRAZING PERMIT - Parts 1 and 2

(Reference FSM 2230)

Page 1 of 8

Permittee: BURK, CLINTON AND JODI

Permit Number: 20239

PART 1

BURK, CLINTON AND JODI of , P.O. BOX 320025, GLEN, MT, 59732 herinafter called the permittee is hereby authorized to graze livestock owned by the permittee upon designated lands and is administered by the Forest Service within the Beaverhead-Deerlodge National Forest.

- 1. Description of range. The livestock shall be grazed only upon the area described as follows: described on attached page and/or delineated on the attached maps, date 05/31/2013, which is part of this permit (Strike out item or items not applicable).
- 2. The number, kind, and class of livestock, period of use, and grazing allotment on which the livestock are permitted to graze are as follows, unless modified by the Forest Service in the Bill for Collection:

LIVESTOCK		PERIOD OF USE		GRAZING ALLOTMENT	
Number	Kind	Class F	rom	То	
125	CATTLE	MATURE COW W/NURSING CALF	6/16	9/30	LOST WILLOW CREEK

- 3. It is fully understood and agreed that this permit may be suspended or cancelled, in whole or in part, after written notice, for failure to comply with any of the terms and conditions specified in Parts 1, 2, and 3 hereof, or any of the regulations of the Secretary of Agriculture on which this permit is based, or the instructions of the Forest officers issued thereunder; or for knowledge and willingly making a false statement or representation in the permittees grazing application, and amendments thereto; or for conviction for failure to comply with Federal laws or regulations or State and local laws relating to livestock control and to protection of air, water, soils and vegetation, fish and wildlife, and other environment values when exercising the grazing use authorized by the permit. This permit can also be cancelled, in whole or in part, or otherwise modified, at any time during the term to conform with the needed changes brought about by law, regulation, Executive order, allotment management plans, land management planning, numbers permitted or seasons of use necessary because of resource conditions, or the lands described otherwise being unavailable for grazing. Any suspension or cancellation action may be appealed pursuant to 36 CFR 251, Subpart C.
- 4. This permit supersedes permit no. 20401B, issued on 05/05/2011, to FELDER, GREG

	have reviewed and accepted the terr	ns of this permit.	
Signature of Permittee or His Authorized Agen		Date 6/6/13	
Signature of Forest Officer	Name (Print) Scot Shular	District Ranger	7/9/B

PART 2 - GENERAL TERMS AND CONDITIONS

- 1. Validation of Permit. The issuance of a Bill for Collection, payment of fees and actual turning on at least 90 percent of livestock the first grazing season after the permit is issued will validate this permit for the number, kind, and class of livestock, grazing allotment, and period of use for the particular year.
- 2. Bill for Collection. Each year, after validation and prior to the beginning of the grazing season, the Forest Service will send the permittee a Bill for Collection specifying for the current year the kind, number, and class of livestock allowed to graze, the period of use, the grazing allotment, and the grazing fees. This bill, when paid, authorizes use for that year and becomes part of this permit.
- Payment of Fees. The permittee will not allow owned or controlled livestock to be on Forest Service-administered lands unless the fees specified in the Bill for Collection are paid.
- 4. Administrative Offset and Credit Reporting. Pursuant to 31 USC 3716 and CFR Part 3, Subpart B, any monies that are payable or may become payable from the United States, under this permit, to any person or legal entity not an agency or subdivision of a State or local government may be subject to administrative offset for the collection of a delinquent debt the person or legal entity owes to the United States. Information on the person's or legal entity's responsibility for a commercial debt or delinquent consumer debt owned the United States shall be disclosed to consumer or credit reporting agencies.
- 5. Interest, Penalty, and Administrative Costs. Pursuant to 31 USC 3717 and 7 CFR Part 3, Subpart B, interest shall be charged on any payment or fee amount not paid within 30 days from the date the payment was due. Interest shall be charged using the most current rate prescribed by the United States Department of the Treasury Fiscal Requirements Manual (TFRM-6-8020.20). Interest shall accrue from the date the payment was due. In addition, in the event the account becomes delinquent, administrative costs may be assessed. A penalty of 6 percent per year shall be assessed on any payment or fee amount overdue in excess of 90 days from the date the first billing was due. Payments will be credited on the date received by the designated collection officer or deposit location. If the due date(s) for any of the above payments falls on a non-workday, the charges shall not apply until the close of business on the next workday.
- **6. Term of Permit.** This permit is effective until 12/31/2022, unless waived, cancelled, or otherwise terminated as provided herein. The permittee has first priority for receipt of a new permit at the end of the term subject to modification deemed necessary by the Forest Service.

In order to update terms and conditions, this permit may be cancelled at any time provided a new permit is issued to the existing permit holder for a new term of 10 years following this update.

7. Ownership Requirement

- (a) Only livestock owned by the permittee are authorized to graze under this permit. To exercise use of the permit, the permittee will furnish all evidence of ownership requested by the Forest Service. Livestock purchased and subsequently sold back to the original owner, or to an agent, assignee, or anyone representing or acting in concert with the original owner, within a 24-month period without prior written approval by the Forest officer in charge will not be considered valid ownership of the livestock.
- (b) Base property owned and used by the permittee to qualify for a term grazing permit must meet minimum base property requirements approved by the officer in charge.

8. Range and Livestock Management

- (a) The allotment management plan for the land described on page 1, Part 1 is part of the permit, and the permittee will carry out its provisions, other instructions, or both as issued by the Forest officer in charge for the area under permit and will require employees, agents, and contractors and subcontractors do likewise.
- (b) The number, kind, and class of livestock, period of use, and grazing allotment specified in the permit may be modified when determined by the Forest Officer in charge to be needed for resource protection. Except in extreme emergencies where resource conditions are being seriously affected by livestock use or other factors, such as fire, drought, or insect damage, notice of a scheduled reduction of numbers of livestock or period of use under a term permit will be given one (1) full year before a modification in permitted numbers or period of use becomes effective. This does not apply to annual adjustment in grazing as provided for in Section 8(c).
- (c) When, in the judgment of the Forest Officer in charge, the forage is not ready to be grazed at the beginning of the designated grazing season, the permittee, upon request of the Forest Officer, will defer placing livestock on the grazing allotment to avoid damage to the resources. The permittee will remove livestock from Forest Service-administered lands before the expiration of the designated grazing season upon request of the Forest officer when it is apparent that further grazing will damage the resources.

- (d) The permittee will allow only the numbers, kind, and class of livestock on the allotment during the period specified in Part 1 hereof or the annual Bill for Collection, including any modifications made as provided for in Section 8(c). If livestock owned by the permittee are found to be grazing on the allotment in greater numbers, or at times or places other than permitted in Part 1 hereof, or specified on the annual Bill for Collection, the permittee shall be billed for excess use at the unauthorized use rate and may face suspension or cancellation of this permit.
- (e) The permittee will not allow owned or controlled livestock to be upon any area of Forest Service-administered lands not described in either Part 1 hereof or the annual Bill for Collection.
- (f) The Forest officer in charge may, at any time, place or fasten or require the permittee to place or fasten upon livestock covered by this permit appropriate marks or tags that will identify them as livestock permitted to graze on lands administered by the Forest Service. When requested by the Forest officer, the permittee will, at any time during the permitted period of use, including entry and removal dates, gather permitted livestock to enable an accurate count to be made thereof. The Forest Service may, at its option, gather and hold for counting all livestock grazing on the allotment.
- (g) Only livestock marked, tagged, or branded as shown in the application upon which this permit is based, and as may be required under Section 8(f), will be allowed to graze under this permit unless the permittee has advance written approval from the Forest officer in charge to do otherwise.
- (h) The permittee will pay the costs of, perform, otherwise provide for the proportionate share of cooperative improvements and management practices on the permitted area when determined by the Forest officer in charge that such improvements and practices are essential to proper protection and management of the resources administered by the Forest Service.
- (i) This permit it issued and accepted with the provision that the permittee will maintain all range improvements, whether private or Government-owned, that are assigned for maintenance to standards of repair, orderliness, and safety acceptable to the Forest Service. Improvements to be maintained and acceptable to maintenance are specified in Part 3 of this permit. The Government may maintain or otherwise improve said improvements when, it its opinion, such action will be to its advantage.
- 9. Nonuse. At least 90 percent of the livestock permitted must be grazed each year, unless the Forest officer in charge approves nonuse. Failure to place livestock on the allotted range/pasture without approved nonuse may result in cancellation of the term grazing permit in whole or in part.
- 10. Protection. The permittee, or the permittee's agents and employees, when acting within the scope of their employment, and contractors and subcontractors will protect the land and property of the United States and other land under jurisdiction of the Forest Service covered by and used in conjunction with this permit. Protection will include taking all reasonable precautions to prevent, make diligent efforts to suppress, and report promptly all fires on or endangering such land and property. The permittee will pay the United States for any damage to its land or property, including range improvements, resulting from negligence or from violation of the provisions and requirements of this permit or any law or regulation applicable to the National Forest System.

11. General.

- (a) The Forest officer in charge may at any time require the permittee to give good and sufficient bond to insure payment for all damage or costs to prevent or mitigate damages sustained by the United States through the permittee's failure to comply with the provisions and requirements of this permit or the regulations of the Secretary on which it is based.
- (b) This permit will be cancelled, in whole or in part, whenever the area described in this permit is withdrawn from the National Forest System by land exchange, modification of boundaries, or otherwise, or whenever the area described in this permit is to be devoted to a public purpose that precludes grazing.
- (c) The permittee will immediately notify the Forest officer in charge of any change in control of base property, ownership of livestock, or other qualifications to hold this grazing permit.
- (d) The permanent improvements constructed or existing for use in conjunction with this permit are the property of the United States Government unless specifically designated otherwise or covered by a cooperative agreement. They will not be removed nor compensated for upon cancellation of this permit, except in the National Forests in the 16 contiguous Western States when cancelled, in whole or in part, to devote land to another public purpose including disposal. In the event of such cancellation on the National Forests in the 16 Contiguous Western States, the permittee will be compensated for the adjusted value of approved range improvements installed or placed by him.
- (e) The permittee may not transfer, assign, lease, or sublet this permit in whole or part.
- (f) This permit includes the terms and conditions of Part 3 hereof, consisting of page 3 through 8 which follow.

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GRAZING PERMIT - PART 3

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Permittee: BURK, CLINTON AND JODI

Permit Number: 20239

(Reference FSM 2230)

Special Terms and Conditions

Responsibilities for Construction and Maintenance of Stuctural Improvements or for Range Rehabilitation.

(List the specific responsibilities of the permittee; or incorporate into the permit the cooperative agreement, management plan or other document which sets forth these responsibilities in detail. Fully identify the particular document or documents.)

This permit is issued and accepted with the provision that the permittee will maintain all the range improvements listed on page $\underline{\mathbf{4}}$, and as indicated on the allotment map, page $\underline{\mathbf{8}}$.

Wire Fences

- 1. Straighten bent steel posts (or replace).
- 2. Replace or reset brace poles if not in brace securely.
- 3. Straighten and re-tamp brace posts.
- 4. Replace rotted brace posts.
- 5. Splice broken wires and re-stretch.
- 6. Re-space wires where spacing has been altered.
- 7. Replace missing staples and steel post clips.
- 8. Straighten wire stays which have been bent.
- 9. Tighten or replace brace wires.
- 10. Replace broken gate stays on wire gates and shut the gates.
- 11. Cut trees which have fallen across fence & remove from fenceline.

Wood Fences

- 1. Broken poles will be replaced.
- 2. Cut trees which have fallen across fence & remove from fenceline.
- 3. Loose poles will be re-nailed
- 4. Rotten or broken posts or jacks will be replaced.

Spring Developments

- 1. Level water troughs.
- 2. Replace broken trough braces.
- 3. Maintain spring head fence according to above specifications.
- 4. Unplug plugged supply pipelines.
- 5. Replace trough plugs which were removed.
- 6. Replace broken pipes.
- 7. Clean and repair overflow pipelines.
- 8. Repair or replace broken float valves.
- 9. Clean spring head boxes of debris, and secure cover.
- 10. All stock troughs must have wildlife escape ramps installed and working.

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WATER_SYSTEM_RANGE on LOST WILLOW CREEK 20261

Number	Name	Location	Units
126101WSM	REDWOOD TROUGH SPRINGS	Section 14, T4S, R10W	dilles
126147WSM_	SUGAR LOAF SPRING	Section 2, T4S, R10W	1
126148WS	UPPER JAQUES GULCH SPRING	Section 1, T4S, R10W	1
126177WS	ALDRICH PIPE SP HEAD TO T1	Section 11, T4S, R10W	1
126181P1	PUMP TO STORAGE TANK PIPELINE	Section 13, T4S, R10W, Section 24, T4S, R10W	1 07
126181S1	5000 GAL FIBERGLASS STOR TANK	Section 24, T4S, R10W	1.07
126186P1	PIPELINE CAYUSE STOCK TROUGH 1	Section 24, T4S, R10W	1
126186P2	PIPELINE T1 TO T2	Section 24, T4S, R10W	.04
126186T1	OTHER L-W TROUGH	Section 24, 745, R10W	.36
126186T2	OTHER L-W TROUGH	Section 24, 143, R10W	1
		3ection 24, 145, K10W	1

^{*}Additional water systems on following page*

This permit is issued and accepted with the provision that the permittee will maintain all range improvements, whether private or government owned, from which he derives a benefit and which are assigned him for maintenance. These range improvements will be maintained to standards of repair, orderliness and safety acceptable to the Forest Service. The government retains the prerogative, however, of also maintaining or otherwise improving said improvements when in its' opinion such action will be to its' advantage.

FENCE on LOST WILLOW CREEK 20261

Number	Name	Location	Units
1126178A1	MULE CREEK DRIFT FENCE	Section 15, T5S, R11W	
126067A1	BIRCH/WILLOW BNDRY FENCE	Section 5, T5S, R10W, Section 8, T5S, R10W	.51
126151A1	COW CAMP DRIFT FENCE	Section 33, T4S, R10W	.17
126152A1	WILLOW CREEK DRIFT FENCE	Section 33, T4S, R10W, Section 34, T4S, R10W	
126152A2	WILLOW CREEK DRIFT FENCE	Section 33, T4S, R10W, Section 34, T4S, R10W	.09
126152A3	WILLOW CREEK DRIFT FENCE	Section 34, T4S, R10W	.12
126162A1	NORTH CREEK/LOST CR DIV FEN	Section 14, T4S, R10W	.68
126163A1	SASSMAN DRIFT FENCE	Section 1, T4S, R10W	.37
126163A2	WILLOW CREEK NF BNDRY FENCE	Section 1, T4S, R10W, Section 12, T4S, R10W,	.56
		Section 13, T4S, R10W, Section 12, 145, R10W,	2.13
126163A3	WILLOW CREEK NF BNDRY FENCE	Section 13, T4S, R10W, Section 24, T4S, R10W	
126164A1	LOST CREEK DRIFT FENCE	Section 13, T4S, R10W	.57
126165A1	LOST CREEK DRIFT FENCE	Section 11, T4S, R10W	.26
126165A2	LOST CREEK DRIFT FENCE	Section 13, T4S, R10W	.44
126165A3	LOST CREEK DRIFT FENCE	Section 14, T4S, R10W	.26
126166A1	GORGE CREEK DRIFT FENCE	Section 18, T4S, R10W	.46
126167A1	BIRCH/WILLOW BNDRY FENCE	Section 4, T5S, R10W	.54
126168A1	DINNER STATION DRIFT FENCEF	Section 1, T5S, R11W	.48
126169A1	NORTH CREEK DRIFT FENCE	Section 23, T4S, R10W	.26
126183A1	NORTH/SOUTH CAYUSE DIV FEN	Section 24, T4S, R10W	.31
126184A1	MULE CR DRIFT FENCE EXT	Section 15, T5S, R11W	.78
126194A1	SASSMAN BLM SOURCE FENCE		1
126196A1	GORGE CREEK EXCLOSURE	Section 12, T4S, R10W	.24
126198A1	LOST CREEK RIPARIAN FENCE	Section 18, T4S, R10W	.7
126198A2	LOST CREEK RIPARIAN FENCE	Section 14, T4S, R10W	.13
120.00712	LOOT OTTENTIALIANT ENGE	Section 14, T4S, R10W	.31

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GRAZING PERMIT - PART 3

Special Terms and Conditions

Responsibilities for Construction and Maintenance of Stuctural Improvements or for Range Rehabilitation.

(List the specific responsibilities of the permittee; or incorporate into the permit the cooperative agreement, management plan or other document which sets forth these responsibilities in detail. Fully identify the particular document or documents.)

This permit is issued and accepted with the provision that the permittee will maintain all the range improvements listed on page 4, and as indicated on the allotment map, page 8.

ADDITIONAL WATER SYESTEMS:

126101T	REDWOOD TROUGH
126177P2	ALDRICH PIPE T1 TO T2
126177T1	ALDRICH TROUGH 1
126177T2	ALDRICH TROUGH 2
125191T1	FRANK AND TOM SPRING
123186W1	LOST WILLOW WATER PUMP
126189T1	LOWER JAQUES GULCH SPRING
126187T5	LAZY AU TROUGH
126187T3	LAZY AU TROUGH

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Permittee: BURK, CLINTON AND JODI

Permit Number: 20239

Special Terms and Conditions

(Reference FSM 2230)

Management Practices.

(List the specific management practices required of the permittee, such as salting, riding and movement of cattle, herding or bedding of sheep; or incorporate into the permit the specific allotment management plan or other document which outlines these practices in detail. If you need additional space, use next page.)

- 1. The Allotment Management Plan (AMP) for the Lost Willow Allotment, signed by the permittee and approved by District Ranger William Hicks on April 27, 2000 is hereby made a part of this permit. Grazing standards found in the AMP will be used to determine the number of days livestock graze a pasture. Early moves will be required if these maximum allowable utilization levels are achieved prior to scheduled moves shown in the annual operating plan. When the AMP is revised and decision is signed, standards in the revised AMP will take precedence over present AMP standards.
- 2. Management of the Lost Willow Allotment will follow management direction of the February 13, 2009 Beaverhead-Deerlodge National Forest Plan. Forest Plan standards pertaining to natural resources on the allotment, as outlined on pages 5 through 7 of this permit, will apply...
- 3. Livestock forage utilization and range improvement on secondary livestock range that is also key big game habitat (such as elk winter range, calving areas or key summer range) will be managed to maintain reasonable wildlife populations as defined through coordination with the Montana Department of Fish, Wildlife and Parks and the Beaverhead-Deerlodge National Forest.
- 4. Salt will be used as a tool to improve livestock distribution. Place salt in upland or secondary range, preferably on ridges in timber or on rock outcrop areas. Do not salt in timber harvest areas (clearcuts).
- 5. Cattle should be kept well distributed. Scatter cattle after mothering up at turn out and throughout the grazing season to obtain optimum distribution.
- 6. Gates may be opened into adjacent pastures two (2) days prior to scheduled moves (only when adjacent pasture is the next scheduled for use). Within three (3) days following scheduled pasture moves, grazed pastures will be cleaned of all livestock (and kept cleaned) and the gates will be closed.
- 7. The permittee will give a minimum of two (2) weeks notice, to the Forest officer in charge, for any schedule changes in the annual plan or for requests for extensions.
- 8. When an animal covered under this permit dies from contagious or infectious disease, its carcass must be burned or buried in a safe place. If an animal dies or is killed in the vicinity of a campsite, stream, lake, road, trail or recreational area, its carcass must be moved to a point at least 100 yards from live water, or as far as practical where terrain makes that distance impossible. In the case of a developed recreation area the carcass must be moved a minimum of 1/4 mile.
- 9. Use of motorized vehicles by permittees, their agents or employees on National Forest Lands covered by this permit will be in accordance with the Interagency travel plan map (Beaverhead-Deerlodge National Forest Travel Plan). Variance from the travel plan will require authorization by written permit issued by the District Ranger.
- 10. WHERE A FOREST CLOSURE ORDER EXISTS Any hay or straw used in association with this permit, will be certified and tagged as noxious weed free, or noxious weed seed free as directed by the order. For the Beavehead-Deerlodge National Forest signed October 8, 1997 by Kathleen McAlliser for Regional Forrester Hal Salwasser)

This permit is subject to the following grazing standards listed in the **Beaverhead-Deerlodge Land and Resource Management Plan, January 2009**.

Aquatic Resource Standards

FP Standard 1: Riparian Conservation Area (RCA)

Any activity in RCAs shall be designed to enhance, restore, or maintain the physical and biological characteristics of the RCA by implementing the following requirements:

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GRAZING PERMIT - PART 3

Special Terms and Conditions

Management Practices.

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- 1. Activities in RCAs, that meet or exceed Riparian Management Objectives (RMOs), must be designed to maintain existing stream function.
- 2. Activities in RCAs that are not meeting RMOs shall include a restoration component, commensurate with the scope of the activity affecting the fishery, which trends towards accomplishing desired stream function, as part of the project.
- 3. Activities in RCAs shall not result in long-term degradation to aquatic conditions. Limited short-term effects from activities in the RCA may be acceptable when outweighed by the long-term benefits to the RCA and aquatic resources.

FP Standard 14: Grazing practices that prevent attainment of desired stream function, or are likely to adversely affect threatened or endangered species, or adversely impact sensitive species, are modified to attain desired stream function or population objectives (GM 1).

FP Standard 16: Limit livestock trailing, bedding, watering, salting, loading, and other handling efforts to those areas and times that would not retard or prevent attainment of desired stream function or adversely affect native fish and sensitive aquatic species (GM 3).

Livestock Grazing Standards

FP Standard 1: Site specific livestock allowable use levels stated, as developed in the Lost Willow AMP (2000) are stated <u>below</u>. These standards apply to livestock grazing on the allotment and have been designed through individual resource management plans and a site-specific NEPA decisions.

These standards are designed to prevent reduction of existing water quality or physical or biological functions of riparian-wetland areas from management activities. The standards are a means to assure use remains at levels which maintain existing riparian-wetland function. The maximum utilization levels may be incorporated in livestock annual operating plans.

1. Standards for the Lost Willow Allotment are:

Category

Allowable Use Levels

Upland Range Utilization

<55% of forage utilized on suitable upland range</p>

Riparian Range Utilization

<45% Maximum forage use for all vegetation types in non-functioning or functioning-at-risk stream reaches. Maximum allowable use on functioning streams is 55% on grass/grass-like and 60%</p>

on grass/willow types.

Winter Range

<35% of forage utilized if no rest pasture is available.</p>

Adaptive Management strategy as defined in Table 1 Adaptive Managment Decision Chart will be implemented as stated in the 2000 Allotment Management Plan.

FP Standard 2: Domestic livestock grazing will not be allowed in developed recreation sites unless specifically permitted.

FP Standard 3: Allotment management plans will identify specific criteria for special areas, such as wet meadows, where limiting grazing at certain times of the year or under certain conditions is necessary to protect resources.

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Special Terms and Conditions

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FP Standard 4: Base Property Requirement - ownership of facilities and land capable of producing feed for livestock 50% of the time permitted livestock are not grazing on National Forest, will be demonstrated before issuing grazing permits.

